



Public Notice

US Army Corps
of Engineers

Sacramento District

1325 J Street

Sacramento, CA 95814-2922

Number: 200400515

Date: August 17, 2006

Comments Due: September 18, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Easton Project, which would result in permanent impact to approximately 3.82 acres of waters of the United States, including wetlands, in or adjacent to the Alder Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: David Hatch
GENCORP Real Estate
620 Coolidge Drive, Suite 100
Folsom, California 95630-3182

LOCATION: The approximately 1,384-acre Easton project site is located in eastern Sacramento County in an unsurveyed Section, Township 9 North, Range 7 East, Sacramento County, California, and can be seen on the Folsom, California and Buffalo Creek, California 7.5-minute USGS topographic quadrangles.

PROJECT DESCRIPTION: The applicant is proposing to construct two mixed-use developments, Glenborough at Easton and Easton Place totaling approximately 1,384 acres. Glenborough at Easton is proposed as a 1,201.5-acre mixed-use development with approximately 3,389 dwelling units and commercial, office, open space, park, and quasi-public uses. Easton Place is proposed as a 183-acre mixed-use development with approximately 1,494 dwelling units and commercial/office space. Both developments will include 75 acres of commercial mixed use, 37 acres of office space, 42 acres of parks, 45 acres of parkways, 114 acres of open space, 267 acres of Alder Creek preserve area, 25 acres of community resource area, 32 acres of school campus, and 56 acres of roads. The Easton project will also include bicycle/pedestrian trails and transit areas.

The applicant has indicated that the project as proposed would permanently impact 3.82 acres of waters of the United States, including wetlands and a portion of Alder Creek. These impacts include 0.125 acres of vernal pool, 1.484 acres of seasonal wetlands, 0.003 acres of seasonal wetland swale, 0.223 acres of emergent marsh, 0.055 acres of seasonal pond, 0.841 acres of ephemeral drainage, 0.680 acres of drainage ditch, and 0.409 acres of Alder Creek. This

assessment of impacts does not include an assessment of indirect or secondary effects the project would have on the aquatic environment, including downstream portions of Alder Creek. The applicant proposes to preserve 16.861 acres of waters of the United States within the 300-acre Alder Creek Open Space Corridor.

Based on available information, the overall project purpose is to construct a mixed-use residential/commercial development of 1,200 to 1,500 acres within eastern Sacramento County. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. Environmental Setting: The applicant estimates that there are 20.681 acres of jurisdictional waters of the United States, including wetlands on the Easton project site. This acreage includes 0.125 acres of vernal pool, 2.707 acres of seasonal wetland, 0.035 acres of seasonal wetland swale, 6.518 acres of emergent marsh, 0.574 acres of seasonal pond, 0.005 acres of seep, 0.901 acres of ephemeral drainage, 0.775 acres of drainage ditch, and 9.041 acres of perennial creek (Alder Creek). Additionally, the applicant estimates there are 4.204 acres of isolated wetlands on the site. The applicant's delineation has not been verified by the U.S. Army Corps of Engineers.

The East project site consists of mining tailings, a closed landfill, and plant communities such as a natural stand of blue oak woodland, willow scrub, annual grassland and woodland riparian habitat. The emergent marsh within the Alder Creek drainage includes cattail (*Typha* spp.), bulrush (*Scirpus* spp.), tall flatsedge (*Cyperus eragrostis*), soft rush (*Juncus effusus*), annual rabbit-foot grass (*Polypogon monspeliensis*), curly dock (*Rumex crispus*), and willow. The vernal pools onsite support such plants as Carter's buttercup (*Ranunculus bonariensis*), annual hairgrass (*Deschampsia danthonioides*), coyote thistle (*Eryngium yaseyi*), slender popcorn-flower (*Plagiobothrys stipitatus*) and downingia. Seasonal wetlands onsite support such species as perennial ryegrass (*Lolium perenne*), Mediterranean barley, hyssop loosestrife (*Lythrum hyssopifolium*), prostrate knotweed (*Polygonum arenastrum*), Baltic rush (*Juncus balticus*), annual rabbit-foot grass (*Polypogon monspeliensis*), and creeping spikerush (*Eleocharis macrostachya*). The seep supports tall flatsedge, dallisgrass (*Paspalum dilatatum*), Himalayan blackberry, narrow-leaf cattail (*Typha angustifolia*), and annual rabbit-foot grass. The vegetative composition of the ephemeral drainage onsite includes coyote thistle, rough soft chess, spike rush, filaree, Carter's buttercup, and winged water-starwort.

Alternatives. The applicant has not provided alternatives information. The Corps will require alternatives information that is consistent with the overall project purpose and commensurate with the proposed level of impact to waters of the United States. Additional information concerning project alternatives may be available from the applicant or their agent.

Mitigation. The applicant proposes to mitigate all project-related wetland impacts on-site except for impacts to the vernal pool. To mitigate for 3.820 acres of direct impacts to waters of the United States (seasonal wetlands, seasonal wetland swale, emergent marsh, seasonal pond, ephemeral drainage, drainage ditch, and Alder Creek), the applicant proposes to create 4.8 acres of seasonal and perennial wetland/marsh within the 300-acre Alder Creek open space corridor. The applicant proposes to mitigate vernal pool impacts at an agency-approved mitigation bank, off-site location or in lieu fee fund.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification. The applicant has indicated it plans to apply for a Section 1600 Lake or Streambed Alteration Agreement from the State of California Department of Fish and Game. The County of Sacramento is preparing an Environmental Impact Report pursuant to the California Environmental Quality Act.

HISTORIC PROPERTIES: Potentially eligible cultural resources may be affected by the proposed project. The applicant has completed a partial survey for cultural resources at the project site. Based on the survey three previously recorded historic resources are located within the project boundary and one recorded historic site adjacent to the project area. A complete cultural resources survey will be required for the project site. The Corps will initiate consultation with the State History Preservation officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat, including vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*), and Valley elderberry longhorn beetle (VELB) (*Desmocerus californicus dimorphus*). The site also contains the federally-listed Sacramento Orcutt grass (*Orcuttia viscida*) and the slender Orcutt grass (*Orcuttia tenuis*). The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400515, must be submitted to the office listed below on or before September 18, 2006:

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.H.Guthrie@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager William Guthrie, 916-557-5269, William.H.Guthrie@usace.army.mil.

Attachments: 19 drawings